

Frank Trapp (3333)

From: Barney Robinson [Barney.Robinson@butlersnow.com]
Sent: Friday, September 17, 2010 1:15 PM
To: Russ Gaspar
Cc: mbeers@beersanderson.com; Andrew Wible; Tucker, Aaron; Andrew Wible
Subject: RE: pending motion re Rendon deposition

Russ:

State Farm's rebuttals in support of its various dispositive motions are due on September 27, 2010, so extending the deadline that long is problematic.

State Farm can agree to an extension until Wednesday, September 22, 2010, but would ask in return that TRG join in a request to the Court for expedited consideration. Are you willing to do that?

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From: Russ Gaspar [mailto:rgaspar@cohenmohr.com]
Sent: September 17, 2010 12:35 PM
To: Barney Robinson
Cc: mbeers@beersanderson.com; Andrew Wible; Tucker, Aaron; Andrew Wible
Subject: RE: pending motion re Rendon deposition

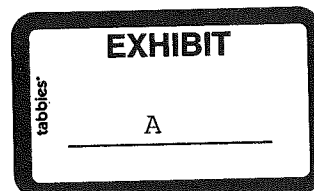
Barney,

I am still trying to resolve the issue of local counsel. I have spoken with several law firms that cannot take the matter, and am in the process of talking to others.

We have drafted most of the motion for leave to intervene and the response, so we will be able to file quickly once the local counsel issue has been resolved – I will, of course, want local counsel to have time to review to be sure everything is in compliance with local rules and practice, etc.

Therefore, I think I will need additional time beyond Monday. How much more is uncertain, but I am assuming that an extension to Monday, Sept. 27, will be sufficient. Can you agree to that?

Thank you for your courtesy in this matter.



9/22/2010

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9/22/2010

Frank Trapp (3333)

From: Russ Gaspar [rgaspar@cohenmohr.com]
Sent: Friday, September 17, 2010 1:26 PM
To: Barney Robinson
Cc: Andrew Wible
Subject: RE: pending motion re Rendon deposition

Barney,

Because I don't know the status of my local counsel situation, I can't be sure about whether a response by the 22d will be possible, or that counsel will be available for any expedited hearing on the matter in the week.

I appreciate your desire to use the Rendon deposition in support of your motion; you have the right to do so. You certainly can use it by filing under seal per the terms of Paragraph 8 of the protective order. This is a procedure that we use routinely up here with confidential material filed in support of motions, and I am sure it is equally common in your courts. Therefore, State Farm's interest in having the material before the Court for determination of its dispositive motion is not prejudiced by a brief delay in determining whether the material should or should not remain protected. They are two separate issues.

Russ Gaspar

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